

BEFORE THE

FEDERAL COMMUNICATIONS COMMISSION

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FEB 24 1999

In the Matter of

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARYRevision of the Commission's Rules  
To Ensure Compatibility with  
Enhanced 911 Emergency  
Calling SystemsCC Docket No. 94-102  
DA 98-2631UPSTATE CELLULAR NETWORK'S  
MOTION FOR ACCEPTANCE OF LATE-FILED PLEADING

Upstate Cellular Network<sup>1</sup> (hereafter "UCN"), by its attorneys, respectfully moves the Commission to accept for filing, pursuant to Section 1.3 of the Rules,<sup>2</sup> its Reply to Comments and Responses in Opposition to Waiver Requests in the above-referenced docket. The deadline imposed by the Commission for filing Replies was Monday, February 22, 1999,<sup>3</sup> and thus this Reply is two days late.

<sup>1</sup> UCN files this Motion on behalf of itself, the licensee of the Buffalo, New York MSA and the Utica-Rome, New York MSA and the following licensees ("Affiliated Entities"): (1) NYNEX Mobile of New York LP ("NYNEX"), the licensee of the Elmira, New York MSA, (2) Binghamton MSA Limited Partnership, the licensee of the Binghamton MSA, (3) Pennsylvania 3 Sector 2 Limited Partnership, the licensee of Pennsylvania RSA No. 3; (4) Pennsylvania 4 Sector 2 Limited Partnership, the licensee of Pennsylvania RSA No. 4; (5) Rochester Telephone Mobile Communications, the licensee of the Rochester, New York MSA; (6) Syracuse SMSA Limited Partnership, the licensee of Syracuse, New York MSA; (7) St. Lawrence Seaway RSA Cellular Partnership,<sup>1</sup> the licensee of New York RSA No. 1; (8) New York RSA 2 Cellular Partnership, the licensee of New York RSA No. 2; (9) New York RSA No. 3 Cellular Partnership, the licensee of New York RSA No. 3; and (10) Ithaca Wireline Cellular Limited Partnership, the licensee of New York RSA No. 4.

<sup>2</sup> Section 1.3 of the Rules permits the Commission to suspend, amend or waive any provisions of Part One of the Rules upon a showing of good cause. UCN respectfully submits that the reasons stated herein provide good cause for the grant of the Motion and that the Commission will benefit from the inclusion of UCN's perspective in the record.

I. THERE WILL BE NO PREJUDICE IF THIS FILING IS ACCEPTED

The December 24, 1998 Public Notice<sup>4</sup> recommends that waiver requests be filed not later than February 4, 1999, but explicitly permits parties to file waiver requests before or after that date. Pursuant to Section 20.18 of the Commission's Rules, the deadline for implementation of ALI as part of Enhanced 911 is October 1, 2001. Due to the ongoing nature of this proceeding and the fact that the deadline is over two years away, UCN respectfully submits that no parties will be prejudiced by the filing of its Reply two days behind schedule.

II. THE AMOUNT OF TIME AFFORDED TO REPLY WAS INSUFFICIENT

In addition, UCN requests the Commission to exercise its discretion to allow a late filing because the amount of time afforded UCN was inadequate to prepare its Reply and for the appropriate persons in management to review and approve it before filing. Since the Comments and Replies in Opposition to the waiver requests were not publicly available until Thursday, February 18, 1999, the period to analyze extensive comments, prepare a draft Reply, send the Reply to the appropriate persons for review, and finalize the Reply was constricted to only a few business days.<sup>5</sup> Unfortunately, despite UCN's best efforts, that time frame proved insufficient.

III. THE COMMISSION WILL BENEFIT FROM THE INCLUSION OF UCN'S PERSPECTIVE IN THE RECORD

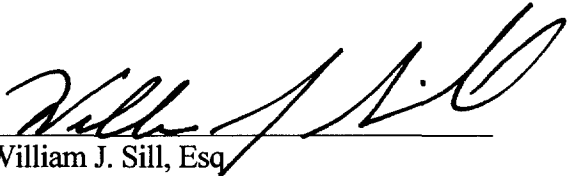
As a multiple system licensee of both Metropolitan Service Areas and Rural Service Areas, UCN is able to provide an objective appraisal of the E911 ALI implementation process. UCN does not favor either a handset-based or network-based

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<sup>3</sup> "Wireless Telecommunications Bureau Outlines Guidelines for Wireless E911 Rule Waivers for Handset-Based Approaches to Phase II Automatic Location Identification Requirements," CC Docket No. 94-102, *Public Notice*, DA 98-2631 (December 24, 1998).

solution. UCN simply wants to be afforded the opportunity to consider and explore each technology.

For the foregoing reasons, UCN respectfully requests that the Commission find that good cause has been shown and grant this Motion.



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February 24, 1999

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<sup>4</sup> Id.

<sup>5</sup> In addition, Counsel did not receive, until Thursday, the first of commentators' service copies.

## CERTIFICATE OF SERVICE

This is to certify that I, Shannon R. Harris, served the attached *UCN Waiver Reply and Motion to Accept Late-Filed Pleading* by first-class postage prepaid mail, on this 24th day of February, 1999, on the following:

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